

Message Text

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O 150125Z MAR 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 0042
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMCONSUL CAPE TOWN
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LIBREVILLE
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 00919

FOR EMBASSY CAPE TOWN

E.O. 11652:GDS
TAGS: PORG, SF, WA
SUBJECT: NAMIBIA: DRAFT TALKING POINTS FOR USE
WITH FRONTLINE STATES, NIGERIA, AND GABON

REF: (A) USUN 900 (B) USUN 901

1. CONTACT GROUP AGREED MARCH 14 AD REFERENDUM ON DRAFT
TALKING POINTS FOR USE IN EXPLAINING TO THE GOVERNMENTS
OF THE FRONTLINE STATES, NIGERIA, AND GABON THE REASONING
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BEHIND THE MORE SIGNIFICANT OF THE CLARIFICATIONS THAT ARE
BEING INCORPORATED INTO THE REVISED PROPOSAL. THESE TALK-
ING POINTS WOULD BE USED AT SUCH TIME AS THE REVISED PRO-
POSAL AND ITS ACCOMPANYING MESSAGE (REF B) ARE PRESENTED
TO THOSE GOVERNMENTS. THE CONTACT GROUP HAS NOT DECIDED
WHETHER THESE TALKING POINTS SHOULD NECESSARILY BE MADE
OR SIMPLY USED ON A CONTINGENCY BASIS. USUN FAVORS MAKING

THE POINTS AND THUS TAKING THE INITIATIVE IN EXPLAINING THESE CLARIFICATIONS.

2. FOLLOWING IS THE TEXT OF THE DRAFT TALKING POINTS:

A) PARAGRAPH 5:

IT IS OUR HOPE THAT THE WORKING RELATIONSHIP WHICH EVOLVES BETWEEN THE ADMINISTRATOR GENERAL AND THE UN SPECIAL REPRESENTATIVE WILL BE A CLOSE AND INFORMAL ONE--ONE WHICH WILL ALLOW THEM TO DISCUSS TOGETHER THE PURPOSE AND RAMIFICATIONS OF ANY ACTION BEFORE THAT ACTION IS PUBLICLY UNDERTAKEN. SUCH AN INFORMAL RELATIONSHIP WOULD AVOID PUBLIC AND POTENTIALLY DESTRUCTIVE DISPUTES. AT THE SAME TIME, WE BELIEVE THAT IT MUST BE CLEARLY UNDERSTOOD FROM THE OUTSET THAT THE SPECIAL REPRESENTATIVE MUST BE SATISFIED WITH ALL MEASURES AFFECTING THE POLITICAL PROCESS AT ALL LEVELS OF ADMINISTRATION BEFORE (EMPHASIZE THE WORD "BEFORE") THOSE MEASURES TAKE EFFECT. WE HAVE, THEREFORE, REWRITTEN THE SECOND SENTENCE IN THIS PARAGRAPH TO MAKE THIS LATTER POINT EXPLICIT. IN ADDITION, IN ORDER TO MAKE CLEAR THAT THE SPECIAL REPRESENTATIVE'S ROLE IS NOT LIMITED TO REACTING TO IDEAS OF THE ADMINISTRATOR GENERAL, WE HAVE ADDED A SUBSEQUENT SENTENCE STATING THAT "THE SPECIAL REPRESENTATIVE MAY HIMSELF MAKE PROPOSALS IN REGARD TO ANY ASPECT OF THE POLITICAL

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PROCESS".

B) PARAGRAPH 7(B)

IN OUR ORIGINAL PROPOSAL WE STATED THAT "ANY DISPUTES CONCERNING THE RELEASE OF POLITICAL PRISONERS OR POLITICAL DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE". WITHOUT ALTERING THIS PROVISION, WE HAVE, IN THE REVISED PROPOSAL, ELABORATED ON THE DISPUTE MECHANISM PROCEDURE. AS OUR PROPOSAL IS NOW WRITTEN, SUCH DISPUTES WOULD BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE "ACTING ON THE INDEPENDENT ADVICE OF A JURIST OF INTERNATIONAL STANDING WHO SHALL BE DESIGNATED BY THE SECRETARY GENERAL TO BE LEGAL ADVISER TO THE SPECIAL REPRESENTATIVE". OUR INTENTION HERE WAS TO TAKE INTO ACCOUNT SOUTH AFRICA'S INSISTENCE ON THE INDEPENDENCE OF THE DISPUTE SETTLEMENT PROCEDURE WITHOUT ALTERING OUR VIEW (SHARED BY SWAPO) THAT SUCH DISPUTES MUST BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE. SOUTH AFRICA HAS ALWAYS SOUGHT A PROCEDURE WHOSE INDEPENDENCE WOULD PROVIDE THEM WITH A DOMESTIC JUSTIFICATION FOR THE RELEASE OF THE

PRISONERS. WE HAVE TRIED TO MEET THE CONCERNS OF BOTH PARTIES BY INTRODUCING AN INDEPENDENT JURIST OF INTERNATIONAL STATURE, APPOINTED BY THE SECRETARY GENERAL, TO SERVE AS LEGAL ADVISER TO THE SPECIAL REPRESENTATIVE.

- C) PARAGRAPHS 8(A) AND 8(B);
- WE HAVE DELETED THE EARLIER REFERENCES TO UNITED NATIONS MONITORING. THE FIRST SENTENCE OF WHAT IS NOW PARA 8(E) ("A MILITARY SECTION OF UNTAG TO MAKE SURE THAT THE PROVISIONS OF THE AGREED SOLUTION WILL BE OBSERVED BY ALL PARTIES") IS A COMPREHENSIVE PROVISION DESIGNED TO INCLUDE: THE MONITORING OF THE CESSATION OF ALL HOSTILE ACTS, AND OF THE CONFINEMENT TO BASE OF THE RESID-

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FOR EMBASSY CAPE TOWN

UAL SOUTH AFRICAN FORCE; UN SUPERVISION OF THE ESTABLISHMENT OF DESIGNATED ENTRY POINTS ALONG THE BORDER TO ENSURE THE PEACEFUL RETURN OF SWAPO PERSONNEL TO NAMIBIA; AND THE GENERAL OBLIGATION LAID UPON THE SECRETARY-GENER-

AL TO TAKE STEPS TO GUARANTEE AGAINST INTIMIDATION OR INTERFERENCE WITH THE ELECTORAL PROCESSES FROM WHATEVER QUARTER. COMPREHENSIVE UN MONITORING OF ALL ACTIVITY INSIDE NAMIBIA, AND OF THE BORDER AREA, IS AN ESSENTIAL ELEMENT IN OUR PROPOSAL. WE ALSO DRAW YOUR ATTENTION TO THE DEFINITION OF UN RESPONSIBILITIES IN ITEM 3 OF THE CONFIDENTIAL

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ANNEX.

- D) PARAGRAPH 8(E):
- WE HAVE ADDED TWO SENTENCES. THE FIRST CONFIRMS WHAT WE TOLD YOUR FOREIGN MINISTER/REPRESENTATIVE IN NEW YORK LAST MONTH, NAMELY THAT THE FIVE WILL SUPPORT AN THE SECRETARY-GENERAL'S JUDGEMENT ON THE SIZE AND COMPOSITION OF THE UN MILITARY CONTINGENT. WHILE WE NATURALLY EXPECT ALL COUNTRIES TO CONTRIBUTE, ON THE USUAL ASSESSED BASIS, TO THE COSTS OF THE UN OPERATION, IT IS WORTH NOTING THAT OUR FIVE COUNTRIES TOGETHER CONTRIBUTE NEARLY 50 PERCENT OF THE UN BUDGET. OUR LAST SENTENCE REQUIRES THE SECRETARY-GENERAL TO CONSULT ALL THOSE CONCERNED WITH THE IMPLEMENTATION OF THE AGREEMENT. FOR OBVIOUS REASONS WE HAVE NOT TRIED TO SPECIFY WHO SHOULD BE CONSULTED, BUT CERTAINLY SOUTH AFRICA (AND THE ADMINISTRATOR-GENERAL) AND SWAPO WOULD BE AMONG THEM. WE ARE OPPOSED TO ANY EFFORT BY EITHER SIDE TO PUT A FIGURE, WHETHER PUBLIC OR PRIVATE, ON THE SIZE OF THE UN MILITARY CONTINGENT. THIS IS UP TO THE SECRETARY-GENERAL, KEEPING IN MIND THE REQUIREMENTS OF THE TASK, AS WELL AS THE INEVITABLE POLITICAL AND FINANCIAL IMPLICATIONS OF HIS RECOMMENDATIONS.

- E) PARAGRAPH 9:
- OUR ORIGINAL PROPOSAL CONTAINED PROVISIONS FOR ENSURING THE GOOD AND IMPARTIAL CONDUCT OF THE POLICE DURING THE TRANSITIONAL PERIOD; HOWEVER, IT DID NOT CONTAIN ANY RESTRICTION ON THE TYPE OF ARMS WHICH THE POLICE COULD CARRY. WE HAVE, THEREFORE, ADDED A SENTENCE TO THIS PARAGRAPH OF OUR PROPOSAL WHICH STATES: "THE POLICE FORCES WOULD BE LIMITED TO THE CARRYING OF SMALL ARMS IN THE NORMAL PERFORMANCE OF THEIR DUTIES."
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F) FORMER PARAGRAPH 11 (WALVIS BAY):

FOR EXPLANATION OF DELETION OF THIS PARAGRAPH, SEE
PARAGRAPH 8 OF MESSAGE TO PRESIDENTS OF FRONTLINE STATES,
NIGERIA, AND GABON.

IN THE ANNEX:

G) SECTION 4 OF THE ANNEX OF OUR ORIGINAL PROPOSAL
REQUIRED: "ALL ARMS (OTHER THAN PERSONAL), MILITARY
EQUIPMENT, AND AMMUNITION POSSESSED BY MEMBERS OF CITIZEN
FORCES AND COMMANDOS CONFINED TO DRILL HALLS UNDER UN
SUPERVISION". DURING THE PROXIMITY TALKS SWAPO OBJECTED
TO THE PROVISION THAT PERSONAL WEAPONS COULD BE RETAINED.
IT IS OUR CONTINUING CONVICTION THAT NOTHING SHOULD BE
INCLUDED IN OUR PROPOSAL WHICH IS UNENFORCEABLE; IT WAS
FOR THAT REASON THAT WE EXPLICITLY EXCLUDED PERSONAL
WEAPONS. IT WAS NEVER, HOWEVER, OUR INTENTION TO ENDORSE
THE RETENTION OF ANY MILITARY WEAPONS BY MEMBERS OF
CITIZEN FORCES AND COMMANDOS. WE HAVE, THEREFORE, RE-
WRITTEN THIS PORTION OF SECTION 4 TO READ AS FOLLOWS:
"ALL ARMS, MILITARY EQUIPMENT, AND AMMUNITION OF CITIZEN
FORCES AND COMMANDOS CONFINED TO DRILL HALLS UNDER UN
SUPERVISION."

H) IN OUR ORIGINAL PROPOSAL THE RELEASE OF POLITICAL
PRISONER/DETAINEES WAS TO HAVE BEGUN WITHIN SIX WEEKS OF
THE START OF THE TRANSITIONAL PERIOD AND TO HAVE BEEN
COMPLETED WITHIN TWELVE WEEKS. IN THE REVISED PROPOSAL
WE HAVE SPEEDED THIS PROCESS UP. THE RELEASE OF POLITI-
CAL PRISONERS/DETAINEES WOULD NOW BEGIN AT THE START OF
THE TRANSITIONAL PERIOD AND WOULD BE COMPLETED AS SOON
AS POSSIBLE AND NO LATER THAN NINE WEEKS AFTER THE START
OF THE TRANSITIONAL PERIOD.

ADDITIONAL CONTINGENCY TALKING POINTS:

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FOR EMBASSY CAPE TOWN

I) IF ASKED WHY THE SPECIFIC TERM "SUPERVISION AND
CONTROL" HAS BEEN REPLACED IN SENTENCE TWO OF PARAGRAPH
2:

RESPONSE: WE UNDERSTAND THAT IT WILL SOLVE A PRE-
SENTATIONAL CONCERN FOR THE SOUTH AFRICANS IF THE TERM
"SUPERVISION AND CONTROL" IS NOT USED UNTIL PARAGRAPH 5
(SENTENCE TWO) WHERE IT IS CLEARLY DEFINED. THEREFORE,
WE REFER NOW (IN SENTENCE TWO OF PARAGRAPH 2) TO AN
"APPROPRIATE UNITED NATIONS ROLE IN ACCORDANCE WITH RESO-
LUTION 385". WE HAVE THUS MADE NO SUBSTANTIVE CHANGE --
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ONLY A CHANGE IN LANGUAGE. TO US IT IS THE SUBSTANCE
WHICH IS CRUCIAL AND THROUGHOUT OUR PROPOSAL IT IS CLEAR
THAT THE UNITED NATIONS ROLE WILL BE ONE OF SUPERVISION
AND CONTROL.

J) IF ASKED ABOUT UN MONITORING OF SWAPO BASES:
RESPONSE: WE HAVE NO REASON TO BELIEVE THAT THERE ARE
ANY SWAPO BASES IN NAMIBIA. THE MONITORING OF SWAPO
BASES OUTSIDE OF NAMIBIA IS A MATTER FOR NEIGHBOURING
COUNTRIES, AND OUR PROPOSAL IS CAREFUL TO AVOID TRES-
PASSING ON THEIR SOVEREIGNTY. WE DRAW YOUR ATTENTION,
HOWEVER, TO PARAGRAPH 12 OF OUR PROPOSAL, IN PARTICULAR
THE SUGGESTION THAT WAYS OF ENSURING TRANQUILITY IN THE
BORDER AREAS MIGHT SOMEHOW BE DEvised. BY THIS WE

MEAN ARRANGEMENTS ON BOTH SIDES OF THE COMMON BORDER;
BUT THESE WOULD NOT FORM AN INTEGRAL PART OF THE AGREE-
MENT. YOUNG

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Message Attributes

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